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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,392	01/23/2004	Joseph Spadola JR.	MAVEN-0007	8991
50010 7590 05/24/2007 LAW OFFICE OF MICHAEL A. BLAKE 112 BROAD STREET MILFORD, CT 06460			EXAMINER DWIVEDI, VIKANSHA S	
			ART UNIT 3746	PAPER NUMBER
			MAIL DATE 05/24/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/764,392

Applicant(s)

SPADOLA ET AL.

Examiner

Vikansha S. Dwivedi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 20, 25 and 28 is/are rejected.
- 7) ☒ Claim(s) 4, 7-19, 21-24, 26, 27, 29-43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/23/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Oath/Declaration*

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Applicant's oaths/declarations is insufficient.

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

Applicant has following INCORRECT STATEMENT:

"I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations Section 1.56"

CORRECT STATEMENT should read "I acknowledge the duty to disclose information which is material to patentability of this application in accordance with Title 37, Code of Federal Regulations Section 1.56."

Proper correction is required in accordance with Title 37, Code of Federal Regulations Section 1.56.

### *Drawings*

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because hand written numerals on the drawings are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The

corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 36, 40, 50, 52, 54, 61, 62, 63, 64, 65, 66, 67, 68, 70, 74. Corrected drawing

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sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show a level sensing assembly positioned within the sump pump and the local sensor outside of the sump pit as described in the specification. Figure 5 merely shows both the assemblies sitting side-by-side without any relation to the sump pump. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary

to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the generator control assembly, power line modem, flood detection assembly, sewage ejector interface system, sewage ejector pump interface, water heater leak sensor, laundry leak sensor, dishwasher leak sensor, sink leak detector, bathroom leak detector, pool sensor, septic system sensor etc. must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. It should be noted that these are just some features claimed by the applicant that are missing from the drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 23 is objected to because of the following informalities: Claim 23 claims "said at least one local sensor", there is no antecedent basis for the claimed subject matter in claim 5 or 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 20, 25 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specification does not enable how all the different sensors claimed in claim 22 are in relation to the one local sensor, it is also non enabling and unclear how can one local sensor have 7 different sensors and where are these sensors places, are they in the pit of the sump pump? If not so, then how do all these sensors interface with the control assembly. Claim 25 is non enabling for the video camera monitoring; claim 26 is non enabling for the motion detection means.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Webber et al. Webber discloses a pump control and management system comprising: a sump pump (20) adapted for pumping water out of a sump pit (10); a level sensing assembly (31) positioned within the sump pit, and a control assembly 50 operationally coupled to said



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level sensing assembly (31), said control assembly activating said sump pump 20 when said level sensing assembly signals that water in the sump pit has reached a predetermined level (col. 2 ll. 34-41).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wyatt et al. in view of Webber et al.

Wyatt discloses a pump (32), electrical service connection (30), control unit (28 with thermal protector/current monitor 31). Wyatt does not disclose a sump pump. Webber discloses a pump control and management system comprising: a sump pump (20) adapted for pumping water out of a sump pit (10); a level sensing assembly (31) positioned within the sump pit, and a control assembly (50) operationally coupled to said level sensing assembly (31), said control assembly activating said sump pump (20) when said level sensing assembly signals that water in the sump pit has reached a predetermined level (col. 2 ll. 34-41). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the pump control system as disclosed by

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Wyatt in view of Webber to protect the pump from excessive current by interrupting power to pump according to principles commonly known in the art (Col. 3, ll. 53-56).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wyatt et al. in view of Webber et al. and further in view of Leighton et al.

As explained with respect to claim 1 and 2 Wyatt in view of Webber discloses the control assembly for a sump pump. Leighton discloses a sump pump monitoring and control system which can detect a locked rotor, attempts to free the locked rotor by repeatedly applying electrical current to jog the rotor a predetermined number of times, providing a user alarm if the attempt to free the rotor fails (page 5, paragraph 90); wherein the control assembly periodically performs diagnostic tests (system controller J performs system diagnostics, page 5 paragraph 83), to determine operability of the sump pump. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the pump control system as disclosed by Wyatt in view of Webber and further in view of Leighton to provide an improved monitoring and control system for a sump pump (page 1, paragraph 9)

Claim 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al. in view of Hakansson et al.

Webber discloses a pump control and management system comprising: a sump pump (20) adapted for pumping water out of a sump pit (10); a level sensing assembly (31) positioned within the sump pit, and a control assembly 50 operationally coupled to said

level sensing assembly (31), said control assembly activating said sump pump 20 when said level sensing assembly signals that water in the sump pit has reached a predetermined level (col. 2 ll. 34-41). The level sensing assembly disclosed by Webber detects the level of a fluid by detecting pressure resulting from the height of the upper surface of the liquid (Col. 8, ll. 9- col. 9, ll. 64). The level sensing assembly is connected to an alarm portion (130). Webber does not disclose a level sensing assembly comprising of thermistors. Hakansson discloses a device for temperature measurement a temperature sensitive sensor e.g. a thermistor (abstract). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the pump control system as disclosed by Webber in view of Hakansson to incorporate thermistor the level sensing assembly for simple inexpensive and reliable reading (col. 1, ll. 20-25).

***Allowable Subject Matter***

Claims 4, 7, 19-25, 26-43 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st and 2nd paragraph and the drawing objections, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikansha S. Dwivedi whose telephone number is 571-272-7834. The examiner can normally be reached on M-F, 8-4.

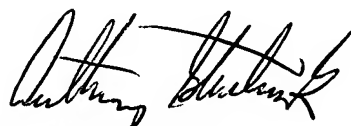
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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